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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
THOMAS GILBERT WILSON,)
)
Defendant.)
)
)

No. CR 12-00744 DLJ
No. CR 13-00004 DLJ

STIPULATION AND ~~PROPOSED~~
ORDER RESCHEDULING HEARING
DATE AND EXCLUDING TIME UNDER
THE SPEEDY TRIAL ACT

STIPULATION

The United States, by and through Special Assistant United States Attorney Meredith J. Edwards, defendant Thomas Gilbert Wilson, by and through Assistant Federal Public Defender Robert Carlin, and defendant Alma Lorena Cabrera, by and through attorney Thomas J. Ferrito, hereby stipulate that, with the Court's approval, the status hearing currently set for Thursday, April 25, 2013, at 9:00 a.m., be vacated and rescheduled for Thursday, May 16, 2013, at 9:00 a.m.

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1 The rescheduling is requested to provide counsel for both the government and the
2 defendant with additional time to conduct further review the discovery and to negotiate an
3 appropriate disposition. The continuance would provide both parties with the reasonable time
4 necessary for effective preparation. Further, government counsel will be out of town on April 25,
5 2013, and therefore will be unavailable for the currently scheduled status conference on that date.

6 All parties respectfully request that the time between April 25, 2013 and May 16, 2013 be
7 excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), for effective
8 preparation and continuity of counsel.

9
10 Dated: April 22, 2013

/s/
MEREDITH J. EDWARDS
Special Assistant United States Attorney

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13 Dated: April 22, 2013

/s/
ROBERT M. CARLIN
Assistant Federal Public Defender
Counsel for Defendant Wilson

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16 Dated: April 22, 2013

/s/
THOMAS J. FERRITO
Assistant Federal Public Defender
Counsel for Defendant Cabrera

~~PROPOSED~~ ORDER

Pursuant to the agreement and stipulation of the parties, the Court hereby orders that the status hearing in this case, previously scheduled for April 25, 2013, at 9:00 a.m., be vacated and rescheduled for May 16, 2013, at 9:00 a.m. The Court further orders that the time between April 25, 2013 and May 16, 2013 is excluded under the Speedy Trial Act, 18 U.S.C. § 3161. The Court finds, pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), that the failure to grant the requested continuance would unreasonably deny counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The Court further finds that the failure to grant the requested continuance would unreasonably deny the government continuity of counsel. The Court finds that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial. The Court therefore concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

IT IS SO ORDERED.

DATED: 1 00 PM



THE HONORABLE D. LOWELL JENSEN
United States District Judge